



## SAN BRUNO CITY COUNCIL REGULAR MEETING MINUTES

SEPTEMBER 9, 2003

### THIS IS TO CERTIFY THAT:

The regular meeting of September 9, 2003, was held at the San Bruno Senior Center 1555 Crystal Springs Road. San Bruno. Mayor Franzella thanked the San Bruno Garden Club for providing the beautiful floral arrangement for tonight's meeting.

**ROLL CALL:** With Mayor Franzella presiding, meeting was called to order at 7:00 P.M. Also present were Councilmembers, Ruane, Pallas, and Ibarra with O'Connell absent and excused while she is attending the League of California Cities meeting in Sacramento, CA. Recording by Clerk Simon.

**PLEDGE OF ALLEGIANCE:** Led by City Manager Frank Hedley.

### PRESENTATIONS:

**Proclamation** from the City Council to honor **Gus Xerogeanes** a long time San Bruno resident who is resigning from the Community Preparedness Committee after 20 years of service. Mayor Franzella presented to Mr. Xerogeanes who thanked the Council for the very nice recognition. Vice Mayor Pallas stated he was proud to served with Mr. Xerogeanes on many committees and thanked him for educating so many children of San Bruno including his own.

**Proclamation** from the City Council declaring September 15 –21, 2003 as **National Pollution Prevention Week**. Mayor Franzella presented to Phil Hanes, Management Analyst, from the Public Works Department. Mr. Hanes gave a brief history of the City's support and efforts to improve the environment.

**The Department of Alcoholic Beverage Control** request time to recognize and show appreciation to Corporal Shawn Wallace, Sergeant Matthew E. Campi, and the San Bruno Police Department for their hard work, dedication, and Outstanding Contribution to the Success of the **2002-2003 A.B.C. Grant Assistance Program**. **Chris Brookman, Agent**, from ABC explained how successful the San Bruno Program was and thanked all involved. He has used Corporal Shawn Wallace to give many presentations to other agencies since he does such an excellent job. Certificates of appreciation were presented to all individuals and the Police Department.

### ANNOUNCEMENTS:

Redevelopment Agency (RDA) Meeting to follow the City Council meeting in order to adopt the Capital Improvement Program Budget.

Please join the Mayor, City Council, and City Staff in congratulating **City Manager Frank Hedley** on his retirement after 30 years of service to the City of San Bruno. Mayor Franzella announced that there would be coffee and cake at City Hall, 10 a.m. Friday September 12, 2003, and a formal reception Friday night and for information contact the City Clerk's office.

Mayor Franzella also announced that plans are underway for a bench unveiling and dedication for former City Clerk Terri Rasmussen set for 5:00 p.m. on Wednesday October 22, 2003 with more info to follow.

Mayor Franzella congratulated **Kevin O'Connell, Principal Engineer**, with the City of San Bruno's Public Works Department, for winning, "Millbrae Man of the Year Award".

### REVIEW OF AGENDA:

Mayor Franzella **pulled item 9.a**, ordinance establishing performance standards for alcoholic beverages sales. This item will first go to the Planning Commission and is expected back on the City Council agenda for the October 14<sup>th</sup> meeting. **Item 12.c**. is being pulled at the request of Mr. Galligan concerning reduction

of the Airport Parking Tax; this item will be placed back on the agenda on October 14, 2003. One new item needs to be added for action due to time limit for responding to the PUC concerning the PG&E Transmission Station and Power Line. Mayor Franzella requested Council permission to sign a joint letter with the Cities of Millbrae and Burlingame and Mark Church from San Mateo County.

**M/S Ibarra/Ruane to add under item No. 6 unfinished business, all Ayes with O’Connell absent.**

**APPROVAL OF MINUTES:** For the regular Council meeting of August 12, 2003, and special Council meeting of August 20, 2003. Approved as submitted.

**CONSENT CALENDAR:**

- a. **Approve: Payroll** of August 15, and 29, 2003.
- b. **Approve: Accounts Payable** of August 4<sup>th</sup>, 11<sup>th</sup>, and 18<sup>th</sup>, and 25<sup>th</sup>, 2003. (Council Packets only, copy is available for review at the City Clerk’s office)
- c. **Accept:** Presented by City Treasurer, Karen Hornung, reconciliation of General Ledger to **Bank Reports**, and the **Investment Reports** dated July 31, 2003.
- d. **Approve:** Special events permit for a “**Safety Day**” program on Saturday September 13, 2003, submitted by Lullaby Lane 556 San Mateo Avenue, closing the southern portion of the **City owned parking lot** in the rear of their business. The Police Department supports this safety event and will be providing a Uniformed Police Explorer and the DARE vehicle.
- e. **File:** Letter from **Tom Huening, Controller**, certifying the County Assessment Roll, the total value of assessable property in San Bruno for fiscal year 2003/2004 is \$3,677,473,651.
- f. **Approve:** Authorize a salary step increase for **Deputy City Clerk Vicky Hasha** from Step 4 to Step 5 of the Secretary Salary range effective September 15, 2003. Monthly salary will increase from \$4082 to \$4296.
- g. **File:** Letter of response dated August 28, 2003, to the California Public Utilities Commission, from George Foscardo, Community Development Director, regarding draft EIR on the **Jefferson Martin 230K V PG&E Electric Transmission Line Project**.
- h. **Approve:** Adoption of resolution with Council recommendations to the Joint Powers Board on the “Project Study Report” for **Caltrain Grade Separation and Station location**.
- i. **Adopt:** San Bruno Resolution 2003-76 (recommended by Finance Director Jim O’Leary), approving Capital Improvement Program Budget for 2003-08 and appropriating funds for 2003-04 projects pursuant to City Council minute order of August 12, 2003.

**Mayor Franzella** pulled item 4.g., **Councilmember Ruane** pulled item 4. h., M/S **Ibarra/Ruane** to approve the remainder of the consent calendar, all Ayes with O’Connell absent.

**Item 4.g,** Mayor Franzella included the comments from the Public Works Director M/S **Franzella/Ibarra** with all Ayes and O’Connell absent.

**Item 4. h,** Councilmember Ruane stated some members of the public requested to address this issue before Council adoption of the resolution.

**Alice Barnes**, representing San Bruno BART, read a statement into the record supporting grade separation in order to save lives. She wanted the station to stay at the Sylvan Avenue location but it will not work and we need to move forward.

**Rose Urbach**, Euclid Avenue, stated she has been a 61-year resident and knows about rails and trains. The police use to direct traffic during commute hours until the gates and traffic lights were installed.

**Vice Mayor Pallas** stated we could have a guard at the railroad crossings 24 hours a day and never spend anywhere near the 91 million dollars this project will cost. If Measure A is not extended there will not be funds for this grade separation.

**Councilmember Ruane** stated this discussion started two years ago when we were told there would be four tracks soon to make room for the Baby Bullet trains. More than 20 open meetings on this subject have taken place and there has been plenty of press coverage and it is irresponsible to say that no one knew of this project. Public comment period was opened;

**Shirley Allen**, Mills Avenue, stated she did not receive a flyer concerning the grade separation.

**Councilmember Ibarra** stated flyers were set out to all properties along the Caltrain corridor and Mills Avenue is one block away. She is concerned about what “pile driving” will do to the homes on Mills Ave. The City Clerk was given Mrs. Allen’s complete street address of 836 Mills and will be put on mailing list for future notices.

**Rich Dondo**, Mills Avenue, representing his Mom’s home, said that he had not received any flyers. He had trouble with the BART construction and advises all residents to take pictures of their homes before any project is started. *Mayor Franzella clarified that the reason Mr. Dondo’s mother did not receive a flyer at her home on Mills Avenue, is because Mills Avenue is not alongside the Caltrain corridor.*

**Councilmember Ruane introduced the resolution for adoption, Yes, Ruane, Ibarra, Franzella, No, Pallas and absent O’Connell.**

**PUBLIC HEARINGS (NOTICES were published, posted and mailed):** None

**UNFINISHED BUSINESS:**

The City Council considered a resolution in support of future **San Mateo County Ferry Service. The San Francisco Bay Area Water Transit Authority** presented an implementation & operations plan at the August 12, 2003 City Council meeting and is requesting support from all San Mateo County Cities.

**Mike Kaiser**, 5<sup>th</sup> Avenue, prior attempts at using ferries have failed. Extending 380 to the East Bay and other projects would be more user friendly for the general good.

**Councilmember Ruane** introduced the resolution for adoption, Yes; Ruane, Ibarra, Franzella and No Pallas with statement that this is not the right time to commit and monies should be used for higher priorities. Absent, O’Connell.

**Mayor Franzella** requested approval to sign a joint letter with Millbrae and Burlingame and Mark Church, County Supervisor stating PG&E must put any new transition station West of Skyline Blvd and under grounding must go down Sneath Lane.

**M/S Ruane/Ibarra to approve action and passed with all Ayes, absent O’Connell.**

**Mayor Franzella** stated he has received word from the PUC regarding the use of Razor Wire around the **Harry Tracy Water Plant** and efforts are underway now to remove along Crystal Springs corridor.

**CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS: Public Works Director Scott Munns** recommended: Award the **Commodore Drive and Cherry Avenue Water Mains Project** to the lowest responsible bidder, **Shaw Pipeline**, in the amount of \$ 423,960; and authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney; and, authorize the expenditure of \$622,500 in project funds as outlined in the staff report for the completion of the Commodore Drive and Cherry Avenue Water Mains Project. **Vice Mayor Pallas** stated this project is \$200,000 under budget and he would like to use these budgeted funds to finish up the completion of Lions Field No. 20 well. He will bring this matter up for discussion at the next meeting.

**M/S Ibarra/Ruane to approve, all Ayes with O’Connell absent.**

That the City Council approves Amendment No. 1 in the amount of \$32,000 to **CSG Consultants** for the plan check review for the final map and construction improvement drawings for the **Marisol Subdivision**

(**SummerHill Homes**), and authorize the City Manager to execute the contract amendment in a form as approved by the City Attorney. **Councilmember Ibarra** asked staff to confirm that the developer was reimbursing the City for these fees and Deputy Public Works Director Buck confirmed.

**M/S Ibarra/Ruane to approve, all Ayes with O’Connell absent.**

Award the **Upper Sneath Lane Overlay Project** to the lowest responsible bidder, **Interstate Paving, Inc.**, in the amount of \$234,308.10; and, authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney; and, appropriate \$58,000 in Street Resurfacing Program Funds for the Upper Sneath Lane Overlay Project; and, authorize the expenditure of \$305,000 in project funds as outlined in the staff report for the completion of the Upper Sneath lane Overlay Project. **Deputy Public Works Director Buck** stated this project would resurface Sneath Lane from Skyline Blvd all the way down to I-280. Mayor Franzella said that possibly the PG&E project may go down Sneath Lane and will that require digging up the street? Buck responded that this is a State Grant project and the City will lose funds if delayed. We can require PG&E to slurry seal after completion of one side of the street. The benefit of resurfacing using mostly outside funds outweighs any risk that the street may be tore up in the future for utility projects.

**M/S Ruane/Ibarra to approve with all Ayes and O’Connell absent.**

#### **COMMUNICATIONS:**

**Fax dated August 27, 2003** from **Robert Riechel of 7<sup>th</sup> Ave.** requesting City Council assistance in obtaining a permit to have the vegetation and sediment removed from the drainage canal, channel, and 7<sup>th</sup> Avenue ditch before winter rains start. Related item is fax dated 09/01/03 from Marie Jacinto of 7<sup>th</sup> Avenue requesting the City Council update residents on this issue.

**Mike Kaiser, 5<sup>th</sup> Avenue**, requested a report on what progress has been made. **Jerry Bradshaw**, Deputy Public Works Director stated that the County has been working very hard to obtain the permits required to clear these channels this fall. Trapping of the snakes and frogs has begun and equipment should be in by mid October. North of San Bruno Avenue work is currently being done. The ditch behind the 7<sup>th</sup> Avenue homes is in the hands of the San Francisco Airport and has a 30-day turnaround for Fish and Game to give permission to clear all vegetation.

**File:** Letter dated August 1, 2003, from the **Retired and Senior Volunteer Program** of San Mateo County extending appreciation to the San Bruno City Council for the financial assistance given to them.

**File:** Letter dated August 4, 2003, from the **St. Vincent de Paul Society** expressing gratitude to the residents of the City of San Bruno for the \$1550 community promotion allocation.

**File:** Letter dated August 5, 2003, from the **Shelter Network** thanking the City of San Bruno for the \$7500 grant to be used toward shelters and transitional housing programs.

**File:** Letter dated August 8, 2003, from the **Christian Action Life Line** thanking the members of the San Bruno City Council for the \$1750 community funding grant.

**File:** Fax dated August 15, 2003, from **Robert Riechel** of 7<sup>th</sup> Avenue thanking Scott Munns, Public Works Director for his assistance on several issues.

**File:** Letter dated August 13, 2003, from **John & Carol Morarity** of Sneath Lane urging the City Council **not** to reduce or allow any exceptions for the **parking tax**.

**File:** Fax dated August 13, 2003, from Wayne Parker, CEO of San Bruno Auto Center San Mateo Avenue, **supporting SkyPark Inc.** and hoping they will stay in business, and as a committee member, Mr. Parker also supports the grade separation project.

**STAFF REPORTS:**

**Chief of Police Violet** recommended establishing performance standards for alcoholic beverage sales. Waive first reading and Introduce and adopt of an ordinance adding Chapter 5.22 to Title 5, (Nuisances) of the San Bruno Municipal Code, establishing Performance Standards for Alcoholic Beverage Sales. **This item has been pulled** and is expected back on the City Council agenda October 14, 2003 after the Planning Commission reviews it.

**Finance Director Jim O'Leary** recommends the City Council adopt the resolution authorizing a 2003-04 Budget Amendment to the Adopted Two Year Budget, General Fund and Special Revenue Funds. The Solid Waste Fund budget is being amended by \$31,954 reflecting changes approved in the Deficit Reduction Plan for 2003-04 and providing increased funding for additional recycling activities.

**Councilmember Ruane introduced the resolution for adoption, all Ayes with O'Connell absent.**

**Finance Director Jim O'Leary** recommended approval of resolution Declaring Intent to Reimburse Expenditures (Street Capital Improvement Fund) from proceeds of obligations to be issued by the City and directing certain financing actions related to the El Camino Real-Sneath Lane to I-380 Improvement Project. **Councilmember Ruane introduced the resolution with all Ayes and O'Connell absent.**

**Acting Fire Chief Dan Voreyer** recommends that the Council consider adoption of the **City of San Bruno Emergency Operations Plan**, allowing the City to conform to Federal and State mandated requirements for emergency preparedness and cost recovery in the event of a major disaster. Chief Voreyer gave an overview of the Emergency Plan and acknowledged San Mateo County Office of Emergency Services help. He introduced Bill O'Callaghan from the County who thanked City Manager Frank Hedley for serving on the County committee.

**M/S Ruane/Ibarra to approve adopting plan, with all Ayes and O'Connell absent.**

**City Manager Frank Hedley** recommended the Council extend the current **Interim Fire Management Structure** until year end 12/31/03 in order to continue shared fire service management studies: and, direct staff to bring back budget authority recommendations. Councilmember Ruane said extending to the first meeting in November would give the new manager an opportunity to be involved in this important issue. **M/S Ruane/Ibarra to extend until 11/12/03 with all Ayes and O'Connell absent.**

**REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

**PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** No one wished to speak.

**REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**Crime Prevention Committee** members presented their annual report to the City Council. Member Carolyn Livengood gave the report for 2002. She introduced Susan Morton and Tony Patrich who were also in attendance. Mayor Franzella thanked Mrs. Livengood for the great report. Vice Mayor Pallas requested the Council consider giving long time committee members special service pins.

**City Clerk Simon** recommended the City Council approve:

Notice of vacancy be posted for the **Caltrain Citizens Advisory Committee**. Caltrain commuter, Nathaniel Roush, has moved to the City of Fremont and will no longer be able to serve as a committee member. Clerk directed to post with no objection. Also, the re-posting of notice of vacancy for the **Culture & Arts Commission** since only (4) four applicants have applied for the (7) seven-member board. Clerk directed to post with no objection.

**The Revenue Review Ad Hoc Committee** (Franzella/Ruane) confirms recommendations regarding the SkyPark Inc. request to reduce the **Airport Parking tax rate**. SkyPark made proposal to the City Council

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in a letter dated May 2, 2003 and amended this proposal during its presentation before this City Council on August 12, 2003. **This item was deferred** until the October 14, 2003 City Council Meeting agenda.

**Oral Updates:**

**Beautification Task Force** (O'Connell) Next meeting is scheduled for October 2, 2003.

**NEW BUSINESS:**

**Study Session scheduling: Councilmember O'Connell** recommends scheduling date, time, and place to conduct a joint study session with the Parks & Recreation Commission to review the Comprehensive **Parks & Recreational Facilities Master Plan**. (The previously selected date of Oct 15, 2003 is not available to some of the Councilmembers).

**This item was deferred** until the next City Council meeting of September 23, 2003.

**Vice Mayor Pallas** requested an update on the **Lions Field Well** and all the other wells in the City.

**Councilmember O'Connell**, as a member of the Water Resource Ad Hoc Committee, had requested this **report be deferred** until the September 23, 2003 City Council meeting. Item deferred as requested.

**Council recessed the City Council meeting at 8:30 P.M.**

The Council called the Redevelopment Agency meeting to order (separate minutes)

**Council reconvened the City Council meeting at 8:40 P.M and adjourned** to close session.

**CLOSED SESSION:**

**City Attorney Pamela Thompson** requested closed session regarding Claim# SB-780 Raymond Lee. (Gov't Code 54956.9 (c)). Potential litigation with BART, concerning barrier. (Gov't Code 54956.9 (c)).

**Council reconvened the City Council meeting at 8:55 P.M.**

Mayor Franzella stated that direction was given to the City Attorney and no action to report.

Mayor Franzella recognized **City Manager Frank Hedley** on his last meeting and thanked him again for all the service he has given to the City of San Bruno.

**ADJOURNMENT:**

With no further business to transact, the meeting adjourned at 9:00 pm. The next regular meeting is schedule for September 23, 2003 at 7:00 p. m. Senior Center (1555 Crystal Springs Rd).

The foregoing minutes were approved  
the San Bruno City Council at a regular  
meeting held on September 23, 2003.

Respectfully submitted for approval, by

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Ed Simon, City Clerk

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Larry Franzella, Mayor